

EXHIBIT L

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN
BEFORE THE HONORABLE LORNA H. BRUMFIELD, JUDGE
DEPARTMENT 17

COLEEN M. PERRY AND PATRICK
PERRY,
Plaintiff,

vs.

HUNG T. LUU, M.D.; JOHNSON &
JOHNSON, a New Jersey
corporation; ETHICON, INC., a New
Jersey corporation; and DOES
1-60,
Defendants.

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) Case No.
) S-1500-CV-279123 LHE
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) VOLUME XIV
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) Pages 2429 - 2649
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REPORTER'S TRANSCRIPT OF PROCEEDINGS

TRIAL - DAY FOURTEEN

February 3, 2015

Reported By:

B. Suzanne Hull

CSR No. 13495

Official Reporter

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<p>1 because you can't predict. The changes can 2 happen, and you can't predict when and the 3 implications of those changes." 4 At Page 88 of Dr. Guelcher's deposition the 5 question is posed, quote, Line 2: 6 "In the paper by Jim Anderson, does he 7 state that macrophages in foreign body cells 8 continue to release the substances at the 9 site of the foreign body as years continue 10 to progress and they remain activated? Is 11 that conclusively stated in the paper?" 12 And the answer starts at Line 8, Your Honor, 13 but I am going to -- I am going to jump in here at 14 Line 15, quote: 15 "So what he is saying" -- 16 Talking about Dr. Anderson. 17 -- "and then what his point is is as 18 long as the device is there, there is going 19 to be -- foreign body reaction is ongoing 20 and that these factors need to be considered 21 in the design of the medical device. That 22 is what he says." 23 I think this may be the last reference, 24 Your Honor. The question is posed at Page 229, 25 quote: 26 "But somebody at Ethicon would actually 27 have to have believed that this Cobalt study 28 you referenced and the solutions are what</p>	<p>1 design characteristics. 2 He goes on to say he will testify about the 3 body and the mesh inability leads to mesh 4 degradation, embrittlement, structural degradation, 5 and other changes. That is a design implication 6 opinion, Your Honor. 7 He talks about antioxidants, which we have 8 already discussed. 9 He goes on to say, quote: 10 "Ethicon's own internal studies found 11 degradation of the Prolene® but did not 12 consider the effects of the foreign body 13 reaction, which is known to produce reactive 14 oxygen species that are stronger oxidizers 15 than molecular oxygen in air." 16 Again, this is a design consideration that 17 Dr. Guelcher will testify about. 18 And, lastly, from his disclosure, 19 Your Honor, the -- he says that, quote: 20 "The mesh can lead to tissue damage and 21 destruction, chronic foreign body reaction 22 and chronic inflammatory response, 23 extrusion, inflammation and pain, making the 24 mesh in Ethicon's TVT™ Abbrevio not suitable 25 for its intended application as a permanent 26 implant for stress urinary incontinence." 27 It being not suitable, Your Honor, again, 28 is a design factor that a -- that a reasonable</p>
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<p>1 actually occurs from macrophages at the 2 unknown concentration in the body." 3 There is a long answer, then another 4 question: 5 "The urethane catheters, were those 6 Ethicon products? 7 "No." 8 And he goes on to say: 9 "I think you have to ask the question 10 that when you are designing a biomedical 11 device, what is the material made of and is 12 that a problem? 13 "QUESTION: Well, there could be folks 14 at Ethicon who have relevant experience who 15 looked at the paper by Anderson and his 16 Cobalt solution and say that the test 17 actually looked like we represent the 18 foreign body reaction in the body." 19 And, again, he is talking about the 20 design -- the design of the -- of the mesh products, 21 Your Honor. 22 Additionally, in his designation as an 23 expert witness in the case, Your Honor, he states 24 that based upon his experience, education and 25 training, and review of pertinent information, he may 26 testify, A, the material characteristics of Ethicon's 27 Prolene® mesh used is TVT™ Abbrevio. 28 Material characteristics, Your Honor, are</p>	<p>1 manufacturer must consider before implementing that 2 product and putting it in a permanent human implant. 3 On the reliance list, Your Honor -- 4 THE COURT: Why don't we talk about the Dunn 5 study. 6 MR. FREESE: The Dunn study? 7 THE COURT: Is it Dunn? 8 MR. CARTMELL: Dog. 9 MR. FREESE: Dog. 10 THE COURT: No. Not dog. The one that he 11 had -- had completed -- well, the one that wasn't 12 completed. The one that was mentioned in the motion 13 in limine. 14 MR. FREESE: Your Honor, can I let 15 Mr. Cartmell answer this because I was not at that 16 deposition. And I apologize, but I think Tom can 17 answer this better than I can. 18 MR. CARTMELL: If you don't mind, 19 Your Honor, we are not offering the results of his 20 testing. 21 THE COURT: Are you going to talk about it 22 at all? 23 MR. CARTMELL: No. 24 THE COURT: Okay. Very well then. 25 MR. SNELL: Your Honor, should I go ahead? 26 THE COURT: He is not done. Let him wrap it 27 up. 28 MR. FREESE: I am still making my record,</p>

1 STATE OF CALIFORNIA)
) ss:
2 COUNTY OF KERN)

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4 I, B. Suzanne Hull, hereby certify that I, as
5 Official Reporter, Kern County Superior Court, was
6 present and took down correctly in stenotypy, to the
7 best of my ability, all the testimony and proceedings
8 in the foregoing-entitled matter; I further certify
9 that the pages reported and certified by me are
10 indicated with my name and CSR number at the bottom
11 of the page; and I further certify that the annexed
12 and foregoing is a full, true and correct statement
13 of such testimony.

14 Dated at Bakersfield, California, on
15 February 3, 2015.

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19 B. SUZANNE HULL
20 Official Reporter, CSR No. 13495
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